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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,003	01/12/2006	Detlef Renner	5038.1012	5154

23280 7590 04/17/2007  
DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 SEVENTH AVENUE, 14TH FLOOR  
NEW YORK, NY 10018

EXAMINER
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HESS, DOUGLAS A

ART UNIT	PAPER NUMBER
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3651

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/554,003

Applicant(s)

RENNER, DETLEF

Examiner

Douglas A. Hess

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-25 and 28-35 is/are rejected.
- 7) ☒ Claim(s) 26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/21/05, 10/2/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: See Continuation Sheet

Continuation of Attachment(s) 6). Other: USP 5,743,375 cover sheet and Fig. 2.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: On pages 2 and 3 of the specification, specific mention of claims 1, 8, 15, and 16 is made. These claims have been canceled. Specific claim numbers should never be mentioned in the specification since the claims typically change throughout prosecution.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17, 18, 20-25, 28-32, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Shyr et al. USP 5,743,375.

See the attached marked up cover sheet and figure 2 of Shyr et al. depicting the claimed features.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3651

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shyr et al. USP 5,743,375.

Shyr et al. teach the claimed invention except for having the conveyor integrated into the floor and using a hydraulic means to lift his chain conveyor. In both instances, it would have been an obvious matter of design choice as to what type of known lifting device is used or on what type of surface the device is placed based on the exact design parameters of the specific invention. Such design parameters would depend on the space available for the device, the weight of the articles and the power required to raise the chains are examples of these considerations which do carry any patentable weight.

#### ***Allowable Subject Matter***

5. Claims 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

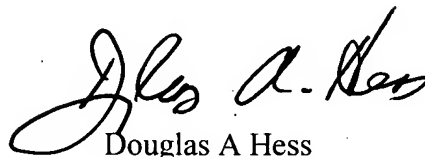
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas A. Hess whose telephone number is 571-272-6915. The examiner can normally be reached on M-Thurs 5:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Douglas A Hess  
Primary Examiner  
Art Unit 3651

4/11/2007

DAH  
April 11, 2007



US005743375A

**United States Patent** [19]

Shyr et al.

[11] Patent Number: 5,743,375

[45] Date of Patent: Apr. 28, 1998

## [54] CONVEYER TRANSFER APPARATUS

[75] Inventors: Duen-Jyh Shyr, Fu Chain; Kuan-Chou Chen, Shing Ying, both of Taiwan

[73] Assignee: Industrial Technology Research Institute

[21] Appl. No.: 526,614

[22] Filed: Sep. 11, 1995

[51] Int. Cl.<sup>6</sup> ..... B65B 37/00

[52] U.S. Cl. .... 198/463.3; 198/370.1; 198/809

[58] Field of Search ..... 198/370.1, 809, 198/463.3, 779

## [56] References Cited

## U.S. PATENT DOCUMENTS

3,756,374 9/1973 Burt et al. .... 198/809  
4,664,253 5/1987 Fabron ..... 198/463.34,730,718 3/1988 Fazio et al. .... 198/370.1  
4,732,265 3/1988 vom Stein ..... 198/809  
4,798,275 1/1989 Leemkuil et al. .... 198/370.1  
4,962,841 10/1990 Kloosterhouse ..... 198/809  
5,104,281 4/1992 Corvi ..... 198/809

Primary Examiner—Karen B. Merritt

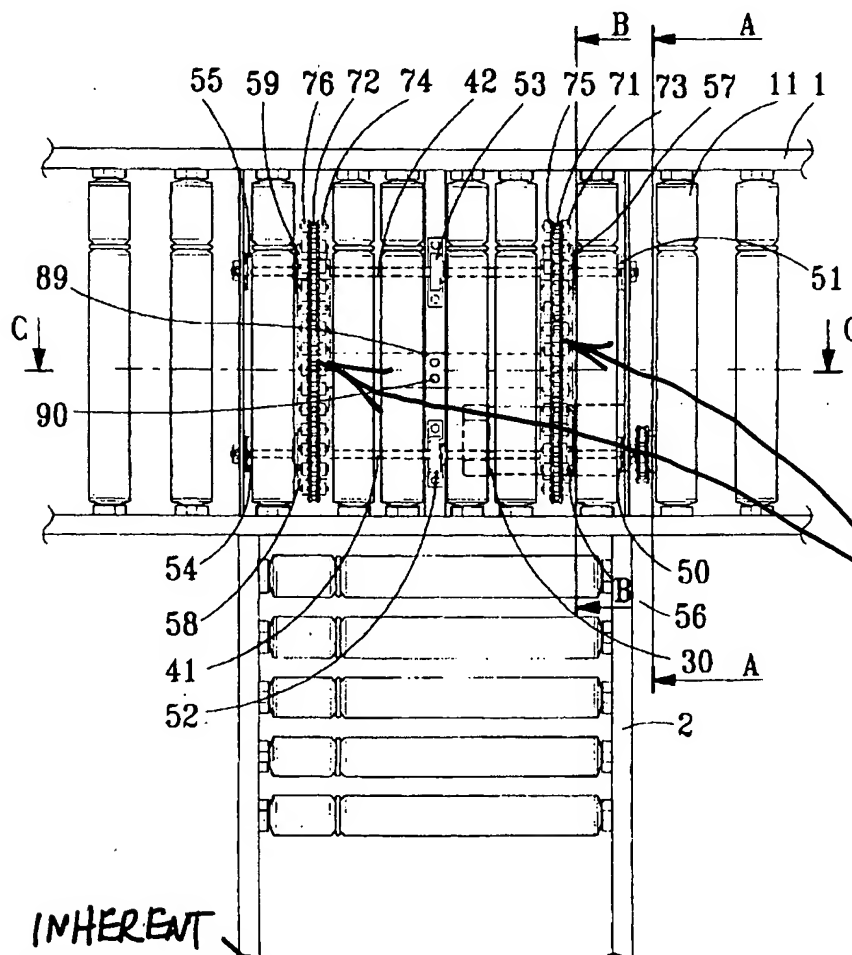
Assistant Examiner—Douglas Hess

Attorney, Agent, or Firm—W. Wayne Liauh

## [57] ABSTRACT

A conveyer transfer apparatus for use in a roller conveyer for lifting an article upwardly and moving it laterally to another conveyer. It includes a motor as a driving force to drive two pairs of spaced eccentric sprockets and a side-roller-chain, which engages with a pair of spaced sprockets. The side-roller-chain moves on a guide channel, which can be lifted upward, synchronously with the movement of the sprocket, thus enabling the article to be lifted upward and carried away laterally at a speed faster than the rotating speed of the sprocket.

5 Claims, 10 Drawing Sheets

ADDITIONAL  
LATERAL  
CONVEYORS  
UPSTREAMTWO PARALLEL  
RAISABLE &  
LOWERABLE  
CHAIN CONVEYOR(HOLDING DEVICE)  
(W.R. to CL 25)← INHERENT  
WORK STATIONS →

